

II. Claim 46, drawn to a method for processing a plurality of substrates, classified in class 438, subclass 680.

The Examiner states that Group I and Group II are related as an apparatus for performing a process and a method for processing. Group I is asserted to be distinct from Group II as having separate utility, "since an apparatus of Group I invention could be made by a product different from those of the Group II invention."

The Applicant elects claims 1-45, 47-58 without traverse and cancels claim 46 without prejudice.

Respectfully submitted,

D. Brit Nelson
D. Brit Nelson
Registration No. 40,370
THOMASON, MOSER & PATTERSON, L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, Texas 77056
(713) 623-4844
(713) 623-4846 Facsimile
Attorneys for Applicants



Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Group I, Claims 1-45, and Claims 47-58. An apparatus for performing a process.
Classified in class 257, subclass 437.
- II. Group II, Claims 46. Method for processing a plurality.
Classified in class 438, subclass 680.

The inventions are distinct, each from the other because of the following reasons:

Inventions of group I and group II are related as process for produce of an Apparatus for performing a process and Method for processing a plurality used therein. The inventions are distinct if either or both of the following can be shown: (1) that an apparatus as claimed can be used to make other and materially different method or (2) that the method as claimed can be made by another and materially different an apparatus (MPEP § 806.05(f)). In the instant case unpatentability of the Group I invention would not necessarily imply unpatentability of the Group II invention, since an apparatus of Group I invention could be made by a product different from those of the Group II invention. For example, in claim 1, step a) a conveyor to support; b) a substrate transfer mechanism configured; c) at least one processing island located along said flow path.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the search required for Group I, and Group II different, the restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor-ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor-ship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

A telephone call was made to Mr. Mark D. Wieczorek on Friday, December, 27, 1999 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Pho Luu whose telephone number (703) 306-5943. The examiner can normally be reached on Monday through Friday from 8.00am to 5.00pm.

PL Pho Luu
January 10, 2000



RICHARD T. ELMS
PRIMARY EXAMINER
GROUP 2100